

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                               |   |                   |
|-------------------------------|---|-------------------|
| <b>HILLARY LEBOWITZ</b>       | : | CIVIL ACTION      |
|                               | : |                   |
| v.                            | : |                   |
|                               | : |                   |
| <b>TACONY ACADEMY CHARTER</b> | : |                   |
| <b>SCHOOL, et al</b>          | : | <b>NO. 10-233</b> |

**ORDER**

AND NOW, this 20th day of July 2010, upon consideration of Defendants' motions to dismiss Plaintiff's Complaint (Docket Nos. 11 and 12), and following an oral argument on July 8, 2010, as well as supplemental briefing by the parties, it is hereby ORDERED that, for the reasons addressed at the July 8 oral argument, Defendants' motions are denied without prejudice to being revised and refiled when, as and if Plaintiff amends her complaint, provided that if no amended complaint is filed within twenty-one (21) days of the date of this Order, then Defendants' motions (Docket Nos. 11 and 12) will be presumed to be refiled, along with all supplemental briefs.

It is FURTHER ORDERED that Plaintiff shall be granted leave to amend her complaint, and Plaintiff shall file an amended complaint within twenty-one (21) days of the date that this Order is entered on the docket.<sup>1</sup>

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<sup>1</sup> When amending her complaint, Plaintiff is encouraged to pay particular attention to the following: (1) the impact of Garcetti v. Ceballos, 547 U.S. 410 (2006), and its progeny on this case, which arguably involves speech related to scholarship or teaching; (2) whether the statutory violations that Plaintiff is alleging constitute matters of "public concern"; (3) whether the statutory violations that Plaintiff is alleging constitute "waste" and/or "wrongdoing" under the Pennsylvania Whistleblower Law; (4) the requirements and standards for pleading malice under state and federal conspiracy causes of action; (5) the possible overlap between the (cont...)

BY THE COURT:

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S/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge

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(cont...) claims set forth in Counts I and II of Plaintiff's complaint; and (6) the amount or level of specificity required to plead state and federal conspiracy causes of action.